

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

February 22, 2006  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor Keno Hawker, Mesa, Chair	* Mayor Bernadette Jimenez, Guadalupe
Mayor Woody Thomas, Litchfield Park,	Supervisor Max Wilson, Maricopa County
Vice Chair	Councilmember Jini Simpson for
Mayor Douglas Coleman, Apache Junction	Mayor Ron Clarke, Paradise Valley
Councilmember Jim Buster for Mayor Marie	Mayor John Keegan, Peoria
Lopez-Rogers, Avondale	Councilmember Peggy Neely for
Mayor Dusty Hull, Buckeye	Mayor Phil Gordon, Phoenix
* Mayor Edward Morgan, Carefree	# Mayor Wendy Feldman-Kerr, Queen Creek
* Vice Mayor Dick Esser, Cave Creek	* President Joni Ramos, Salt River
Mayor Boyd Dunn, Chandler	Pima-Maricopa Indian Community
Mayor Fred Waterman, El Mirage	Mayor Mary Manross, Scottsdale
* President Raphael Bear, Fort McDowell	Mayor Joan Shafer, Surprise
Yavapai Nation	Mayor Hugh Hallman, Tempe
Councilmember John Kavanagh for Mayor	Mayor Adolfo Gamez, Tolleson
Wally Nichols, Fountain Hills	# Mayor Ron Badowski, Wickenburg
* Mayor Daniel Birchfield, Gila Bend	* Mayor Bryan Hackbarth, Youngtown
* Governor William Rhodes, Gila River Indian	* Vacant, ADOT
Community	* Joe Lane, ADOT
Mayor Steven Berman, Gilbert	F. Rockne Arnett, Citizens Transportation
* Mayor Elaine Scruggs, Glendale	Oversight Committee
Mayor James M. Cavanaugh, Goodyear	

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference call.

1. **Call to Order**

The meeting of the Regional Council was called to order by Regional Council Chair Keno Hawker at 5:15 p.m.

Chair Hawker stated that Mayor Wendy Feldman-Kerr, Queen Creek, and Mayor Ron Badowski, Wickenburg, were participating by telephone. Chair Hawker introduced Councilmember Jim Buster as proxy for Mayor Marie Lopez-Rogers, Avondale; Councilmember John Kavanagh as proxy for Mayor

Wally Nichols, Fountain Hills; Councilmember Jini Simpson as proxy for Mayor Ron Clarke, Paradise Valley; and Councilmember Peggy Neely as proxy for Mayor Phil Gordon, Phoenix.

### 3. Call to the Audience

Chair Hawker noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Hawker recognized public comment from Dianne Barker, who took the bus to the meeting. Ms. Barker stated that Pinal County is looking to become a national model for transportation planning. She stated that MAG needs to be innovative for transportation challenges. Ms. Barker commented that there must be cost effective ways to cut pollution. She stated that citizens can comment online on the Sky Harbor EIS. Ms. Barker mentioned Joe Ryan's presentation at the February Management Committee meeting that elevated rail is not as expensive to construct as people think. She also encouraged using publicly owned property as right of way for its alignment. Chair Hawker thanked Ms. Barker for her comments.

Chair Hawker recognized public comment from Lyle Tuttle, who stated that he was present at the meeting to comment on PM-10, PM-2.5, and noise. Mr. Tuttle commented that there is a mining recommendation zoning district in Surprise, bounded by the Central Arizona Project canal to Grand Avenue on the Agua Fria River. He expressed his thanks to the County Board of Supervisors for the 2004-2005 air quality study that showed they were close to the upper limits of air pollution. Mr. Tuttle stated that their problem with the study was that the winter and spring of 2004-2005 were the wettest on record, and he was concerned that this kept down the dust and could have skewed the results. He stated that he was concerned that the capacity of the mines was not adequately reported due to proprietary information, and he could not get this information. Mr. Tuttle distributed some photos of the area. He stated that they have an eight mile area with 24 to 26 mines—nine between Bell Road and Loop 303 alone. Chair Hawker thanked Mr. Tuttle for his comments.

Chair Hawker recognized public comment from Herman Tessmer, who resides in the Ventana Lakes development in Peoria. Mr. Tessmer said that he moved there in 1995 and enjoyed the serenity for seven years. In 2003, the traffic was rerouted to a road that runs close by his home. He stated that the road bed is sunken so when the trucks go by, truckers' faces or the exhaust pipe are at eye level. Mr. Tessmer said that he cannot enjoy his patio six days out of the week because the trucks drive by from 2:30 a.m. to dusk. He said he estimates the daily number of diesel trucks at more than 800, and increases all the time. Mr. Tessmer stated that he did not need to use oxygen prior to 2003 and neither did some of his neighbors. He said that he realizes that trucks need to drive somewhere, but they exceed the speed limit, jake brake, and idle 30 to 40 minutes at a time. Mr. Tessmer requested that the Regional Council help the residents of this area. Chair Hawker thanked Mr. Tessmer for his comments.

Chair Hawker recognized public comment from William Crowley, who extended congratulations to Maricopa County on its 135th birthday. Mr. Crowley passed around a document that showed air quality exceedances and violations. He stated that he would get with staff later to comment on non-action items, because he had comments to make on other issues. Mr. Crowley stated that legislation allows buses to idle up to an hour, longer than other vehicles. He said he wanted the Legislature to allow Maricopa County to change this rule. Mr. Crowley noted that Las Vegas and Los Angeles have a 10 minute idling rule. He stated that he was told they are allowed to idle because of the air conditioning, and it takes time to cool them down with the doors open. Why not have canopies shading them? Mr. Crowley stated that the meaning of a supergrid is to connect lines. He stated that buses do not connect through "Parasite Valley" and that connectivity is needed. Chair Hawker thanked Mr. Crowley for his comments.

2. Pledge of Allegiance

Chair Hawker announced that a quorum was present. The Pledge of Allegiance was recited.

Chair Hawker stated that material for agenda items #9 and #10 were at each place.

4. Executive Director's Report

Dennis Smith stated that the US Department of Transportation will receive a total of \$65.6 billion as a part of President Bush's \$2.77 trillion proposed FY 2007 Federal budget, released February 6th. He said that highway and transit programs authorized in SAFETEA-LU are fully funded. Proposed funding levels for Federal Highway Administration will rise 9.6 percent to \$39.8 billion. Transit programs will receive \$8.8 billion, including \$7.3 billion for formula transit operations grants. Mr. Smith stated that the transportation subcommittees from each chamber will aim to draft a spending bill by the informal June 30th deadline. After reconciling differences between the bills, final approval must be given before the fiscal year ends on September 30th.

Mr. Smith stated that a memorandum was sent on February 15, 2006 to the Management Committee and Regional Council for the Commuter Rail Stakeholder meeting that will be held February 27, 2006 at 10:00 a.m. in the Saguaro Room. He indicated that at the first meeting it is envisioned that the MAG member agencies would discuss the general expectations for the study, the process to be used for the study and help define the questions to be answered by the study. Mr. Smith noted that this discussion will serve as input to the draft scope of work for the project.

Mr. Smith stated that leadership from the six Arizona Councils of Governments have been invited to a Regional Planning Dialogue on March 23-24. He said that topics of discussion include transportation financing, planning for cross-jurisdictional and regional growth, leapfrog development, and how to engage the private sector.

Mr. Smith stated that a memorandum was sent last week to the Regional Council regarding participation in the "Helmet Your Head" Coalition. He stated that Valley Metro, St Joseph's Hospital, the Barrow Neurological Institute, Maricopa County Medical Center and others have teamed up in this effort to reduce the number of head traumas related to bicycling by increasing awareness of bicycle safety, particularly helmet use, through educational outreach and advertising.

Mr. Smith stated that an Open House and Public Hearing on Draft Transportation Improvement Plan and Regional Transportation Plan 2006 Update are scheduled for March 10, 2006 beginning at 11:00 a.m. in the Saguaro Room. Mr. Smith stated that MAG ADOT, CTOC, Valley Metro, Valley Metro Rail, and the City of Phoenix Public Transit Department will have representatives at the event to hear public comment.

Mr. Smith expressed his thanks to the City of Phoenix and Maricopa County for their hard work in dust control. He displayed photos of roads and shoulders that were recently paved by the agencies on Broadway Road from 19th Avenue to 35th Avenue.

Mr. Smith introduced new MAG employees. Steve Smith is a Database Administrator in the Information Services Division. Steve graduated from Northern Arizona University with two bachelor's degrees--one in mathematics and a second in computer science. Mr. Smith introduced Matthew Clark, MAG Senior Policy Planner, who has a Bachelors Degree in Political Science with a business minor from Arizona State University. Mr. Clark will work on MAG legislative issues, intergovernmental coordination, and committees such as the TPC Landscape/Maintenance Noise Mitigation Subcommittee and the Library Stakeholders Group. He was Special Assistant to the U.S. Secretary of Labor, Federal Affairs Manager for the Americans for Tax Reform, Legislative Assistant for Representative John Shaddegg, Council Aide for Vice Mayor John Nelson from the City of Phoenix. Chair Hawker thanked Mr. Smith for his report. No questions for Mr. Smith from the Council were noted.

## 5. Approval of Consent Agenda

Chair Hawker stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the Council can request that an item be removed from the consent agenda and considered individually. He stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, and #5I were on the consent agenda.

Chair Hawker recognized public comment from Mr. Crowley, who stated that he had only three minutes to comment on all consent agenda items, and would submit written comments to be incorporated into the record. For agenda item #5B, Mr. Crowley asked if modeling included the Canamex corridor going through the City of Phoenix. Mr. Crowley suggested a route using the utility easements so the corridor would not pass by schools and a golf course. He stated that many bridges in the region do not have a sufficiency rating. Mr. Crowley commented on agenda item #5C. He said that Agua Caliente Road was mostly dirt and nothing is being done to pave it. For agenda item #5D, he agreed with the appointments to the TPC. For agenda item #5E, he said that he wanted to be counted in the Census Survey. For agenda item #5F, he extended his congratulations to the MAG Fiscal Services Division for a good job on the audit. For agenda item #5G, Mr. Crowley stated that not all communities have contributed their share to the Human Services Campus. He stated that there is insufficient funding for many worthy programs. All of the projects shown in the agenda material are needed. For agenda items #5H and #5I, he stated that agreed with both Mayor Hawker and Mayor Hull. Mr. Crowley stated that if Mesa had planned better in the past, they would not be having the problems Mayor Hawker mentioned that Buckeye will have. He added that he agreed with having impact fees for new buildings. Mr. Crowley stated that light rail needs to go to Metrocenter, not to 25th Avenue and Mountain View. He spoke

about the large amount of money going to improvements at the parking facility and the lease is up in 2011. Mr. Crowley stated that he likes block 26 as an alternative for the Regional Governmental Service Center because it will facilitate city, county, and state communication. Chair Hawker thanked Mr. Crowley for his comments.

Chair Hawker said that he had a question on agenda item #5C. He asked if air quality issues were criteria used in the selection of the Fort McDowell project in the amount of \$775,000. Mr. Smith replied that air quality was among the criteria and added that one factor in the decision making process was how close the air quality monitor was.

Chair Hawker removed agenda item #5H to be heard. He asked members if there were any other items to be removed from the consent agenda and considered individually. Hearing no requests, he called for a motion to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5I. Mayor Shafer moved, Mayor Cavanaugh seconded, and the motion passed unanimously.

5A. Approval of the January 25, 2006 Meeting Minutes

The Regional Council, by consent, approved the January 25, 2006 meeting minutes.

5B. ADOT Red Letter Process

In June 1996, the MAG Regional Council approved the ADOT Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning and permits. Upon request any of the notices can be removed from the consent agenda and returned for action at a future meeting. ADOT received 603 Red Letter notifications in the period from July 1, 2005 to December 31, 2005, of which 76 could potentially impact the Regional Freeway System (attached). In addition to the 76 separate examples attached, ADOT has requested plans review on an additional 253 notifications and on an additional 45 notifications, a complete set of plans for the development was requested. The 253 additional notices included zoning changes and/or general plan amendments that would put future developments adjacent or very close to ADOT right-of-way that would cause concerns. The 45 additional notices were close enough to ADOT right-of-way that a set of plans was necessary to determine any impact to ADOT facilities. The ADOT Red Letter coordinator also received 35 telephone, mail, and/or email notifications of possible impact to the State Highway System. The 35 telephone, mail, and/or email notifications consisted of 19 notifications on the Estrella Corridor, 303 Loop, 10 on the South Mountain, 202 Loop, and six on the I-10 Reliever. This item was on the agenda for information and discussion.

5C. Selection of CMAQ Funded Dirt Road Paving Projects for FY 2007

The Regional Council, by consent, approved that Cave Creek receive \$250,000 for various unpaved roads; Chandler receive \$325,000 to pave Commonwealth Avenue; Hamilton Street to McQueen Road; and the Ft. McDowell Yavapai Nation receive \$775,000 for various unpaved roads. In addition, these projects should be added to the MAG federally funded program for FY 2007 in the FY 2007-2011 MAG Transportation Improvement Program. A total of \$1.35 million in CMAQ funds has been programmed in FY 2007 for the paving of dirt roads in the MAG Region. Following a selection process that was carried out in September and October 2005, the MAG Air Quality Technical Advisory Committee

(AQTAC) has recommended that the following projects to utilize the funds available: Cave Creek (\$250,000 for various unpaved roads); Chandler (\$325,000 for Commonwealth Avenue; Hamilton Street to McQueen Road); and Fort McDowell Yavapai Nation (\$775,000 for various unpaved roads). The MAG Transportation Review Committee and the MAG Management Committee recommended approval.

5D. Appointments to the MAG Transportation Policy Committee

The Regional Council, by consent, appointed Supervisor Don Stapley and Mayor Marie Lopez-Rogers as members of the MAG Transportation Policy Committee. At the April 24, 2002 Regional Council meeting, the composition of the Transportation Policy Committee (TPC) was approved. The composition provides for one member of the Maricopa County Board of Supervisors to serve as a member of the TPC. The Board of Supervisors has requested that Supervisor Don Stapley be appointed to the TPC. The composition also provides for three seats from areas that need to be represented to achieve geographic balance, with the members selected from and by the under represented geographic area and ratified by the Regional Council. Mayor Ron Drake held one of these seats on the TPC. Recently, he resigned his position as mayor. To fill the vacancy on the TPC, the name of Mayor Marie Lopez-Rogers, Avondale, has been submitted.

5E. Status Report on 2005 Census Survey

The Census Bureau is now in the data processing phase and census results will be received in Spring 2006. These results will be used to distribute billions of dollars in state-shared revenues to cities and towns, Maricopa County, and Indian communities within the MAG region from 2006 to 2011. Work continues on the data processing phase. This work includes performing quality control and assurance checks, matching the data against the master sample file, and making adjustments for nonresponse in the weighting and estimation process. Processing also includes applying factors to each enumerated housing unit to account for addresses not enumerated. The Census Bureau will have preliminary numbers for each member agency to review in March 2006. Final numbers will be available before May 1, 2006. The 2005 Census Survey results from the U.S. Census Bureau will provide updates for September 1, 2005 for Maricopa County, designated jurisdictions, jurisdiction subareas, and balance of county in the categories of total resident population, total resident population living in housing units, total resident population not living in housing units (people that live in group quarters or outdoor locations), total housing units, and total occupied housing units. In an effort to be proactive, MAG has compiled a list of possible questions member agencies may ask upon receipt of their preliminary 2005 Census Survey results. MAG is discussing these questions with Census staff to obtain responses that will be shared with member agencies. A March 2, 2006 information workshop explained how the survey differs from a full enumeration, how to interpret the preliminary numbers, and how to evaluate the preliminary numbers. Census staff stated that this is the largest mid-decade sample survey to update population that they have conducted. At the December 3, 2003 Regional Council meeting, the MAG Regional Council approved conducting a 2005 Census Survey and a full count of population in group quarters at an estimated cost of \$7.5 million. The Federal Highway Administration (FHWA) has authorized MAG to use FHWA funds assigned to MAG to cover a portion of the estimated cost, while the remaining estimated cost will be incurred by MAG member agencies. The Census Bureau final costs will be based upon total expenses incurred by the Census Bureau and will be determined after the work

is completed in May 2006. Other census costs have been incurred, including an increase to the Census Bureau's original cost estimate (increase estimated at \$200,000), the regionwide media campaign (estimated at \$230,000) and the setup and maintenance of the local census office (estimated at \$170,000), for a total estimated cost increase of \$600,000. In preliminary discussions, FHWA has agreed that MAG FHWA funds may be used for 50 percent of the additional costs. A table enclosed in the agenda packet provided an estimated cost allocation by jurisdiction for the additional 2005 Census Survey costs. It assumes that MAG FHWA funds will pay half of the costs (\$300,000) and the remaining (\$300,000) will be paid by member agencies. The procedure for allocating the 2005 Census Survey costs will be in accordance with the method developed by the MAG Subcommittee on 2005 Population Options and approved by the Regional Council in December 2003. In addition, the final costs will be based upon the results of the Census Survey and will be recalculated in accordance with the same cost allocation method. The enclosed table is an estimate only and intended for use by member agencies during their budgeting process. This item was on the agenda for information and discussion.

5F. Status Update on the June 30, 2005 Single Audit and Management Letter Comments, MAG's Comprehensive Annual Financial Report (CAFR) and OMB Circular A-133 Reports (i.e., "Single Audit") for the Fiscal Year Ended June 30, 2005

The Regional Council, by consent, accepted the audit opinion issued on the MAG Comprehensive Annual Financial Report and Single Audit Report for the year ended June 30, 2005. The public accounting firm of Deloitte & Touche LLP has completed the audit of MAG's Comprehensive Annual Financial Report (CAFR) and Single Audit for the fiscal year ended June 30, 2005. An unqualified audit opinion was issued on January 13, 2006 on the financial statements of governmental activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information. The independent auditors' report on compliance, with the requirements applicable to major federal award programs, expressed an unqualified opinion on the Single Audit. The Single Audit report indicated there were no reportable conditions in MAG's internal control over financial reporting considered to be material weaknesses, no instances of noncompliance considered to be material and no questioned costs. No new or repeat Management Letter comments were issued for the fiscal year ended June 30, 2005. The MAG Management Committee recommended acceptance.

5G. Social Services Block Grant Fund Recommendations FY 2006-2007

The Regional Council, by consent, approved the priority needs, services, and funding recommendations for FY 2006-2007 to be forwarded to the Arizona Department of Economic Security. Under a planning contract with the Arizona Department of Economic Security (DES), the MAG Human Services Planning program annually researches and solicits input on human services needs in the MAG Region. Services funded by the Social Services Block Grant include assistance to the most vulnerable people in our region. Each year, the MAG Human Services Planning program makes funding recommendations for more than \$4 million in the areas of adults, families and children; people with disabilities; people with developmental disabilities; and elderly. The MAG Human Services Technical Committee and the MAG Management Committee recommended approval of the priority needs, services, and funding recommendations for FY 2006-2007.

5I. MAG 208 Water Quality Management Plan Amendment for the Town of Buckeye Palo Verde Road Wastewater Treatment Plant Arizona Pollutant Discharge Elimination System Permit Discharge to the Roosevelt Irrigation District Canal

The Regional Council, by consent, approved the MAG 208 Water Quality Management Plan Amendment for the Town of Buckeye Palo Verde Road Wastewater Treatment Plant Arizona Pollutant Discharge Elimination System Permit Discharge to the Roosevelt Irrigation District Canal. The Town of Buckeye has requested that MAG amend the 208 Water Quality Management Plan to include the Palo Verde Road Wastewater Treatment Plant Arizona Pollutant Discharge Elimination System Permit Discharge to the Roosevelt Irrigation District Canal. The Maricopa County unincorporated area is within three miles of the project, and the County has indicated it does not object to the amendment. The MAG Water Quality Advisory Committee and the MAG Management Committee recommended approval.

5H. MAG 208 Water Quality Management Plan Amendment for the Town of Buckeye Trillium West Wastewater Treatment Facility

This item was removed from the consent agenda.

The Town of Buckeye has requested that MAG amend the 208 Water Quality Management Plan to include the Trillium West Wastewater Treatment Facility with an ultimate capacity of 11 million gallons per day. Reclaimed water from the facility would be disposed of through reuse, recharge, and an Arizona Pollutant Discharge Elimination System Permit discharge to the Hassayampa River or the Wagner Wash. The Maricopa County unincorporated area is within three miles of the project, and the County has indicated it does not object to the facility. The MAG Water Quality Advisory Committee and the MAG Management Committee recommended approval.

Chair Hawker stated that he removed the item from the consent agenda as a continuation of his concerns stated at the January Regional Council meeting. He said he was looking for an adequate public facilities ordinance. Chair Hawker stated that this 208 amendment would increase the facility's capacity to 11 million gallons per day, and that equates to a lot of rooftops. He commented that the area would have water and sewer, but no transportation network, because the Hassayampa Study is still in progress. Chair Hawker stated that he was concerned there were no adequate public facilities and new development would load onto I-10. He stated that he did not want to approve more sewage capacity unless he knew there were adequate public facilities.

Mayor Hull stated that legally, water and transportation do not go hand in hand. He said that the Trillium project is on the Sun Valley Parkway, which is a divided four-lane facility that connects to I-10, and is a part of the MAG Hassayampa Study. Mayor Hull stated that Buckeye is working in cooperation with three other West Valley cities on widening I-10. He noted that additionally, the Canamex corridor will be coming through this area. Mayor Hull said that he thought if there was any concern about the impact to transportation, it would come from Mayor Shafer in Surprise with Bell Road.

Mayor Hull stated that they are working on an outer loop through Douglas Ranch going into the Wickenburg Bypass. Mayor Hull stated that rooftops will not be there until ample transportation exists. He expressed that the 208 amendment process is the lengthiest process of all, more than any other



approval process. To hold it up would be offensive to him. Mayor Hull stated that everyone is aware of transportation needs in the West Valley. He said that Buckeye is working with ADOT, MAG and MCDOT to take care of transportation needs because of all of the new rooftops. Mayor Hull stated that unless every single road is brought before the MAG Regional Council for approval, the Regional Council will need to take Buckeye to trust that they are taking care of it as these areas are developed. He added that they will not let anything develop unless they have the roads to carry that traffic out of the area in a safe manner.

Chair Hawker asked Mayor Hull if the development of homes built as an outcome of this amendment would result in degradation of transportation service from level A to level F, or will transportation needs be taken care of with impact fees? Mayor Hull replied that Buckeye is working on a construction sales tax fee. He added that Buckeye has little or no sales tax, but it could be increased. Mayor Hull stated that Buckeye is working with cities, ADOT and MCDOT to increase capacity on the freeway. Chair Hawker asked Mayor Hull if Buckeye had the financial numbers that \$200 to \$300 million would be generated for construction of freeway lanes. Mayor Hull replied that in this area, SR 85 is being worked on, but from SR 85 to the west is Canamex. He indicated they could provide financial numbers, but ADOT has not finalized the Canamex route. Mayor Hull added that Buckeye has a one-twentieth of one cent sales tax to put toward construction of transportation. Chair Hawker asked if they could try to get federal earmarks once Canamex is established. Mayor Hull replied that the only linking area between Canada and Mexico lies within I-10 and Wickenburg. Once designated, they will know how they can proceed.

Vice Chair Thomas stated that Buckeye needs to follow the Anthem model, whose residents have gone to their legislators to sponsor the widening of I-17 with SB 1504. He commented that they have decided to co-opt MAG and the planning it has done. Vice Chair Thomas stated that the MAG Governance Task Force discussed how Anthem was an example of bad planning, and now the Legislature has seen fit to reward this bad behavior. He stated that we do not have the tools in place to describe the impacts on highways, schools, etc. that will come. Vice Chair Thomas said that he felt it was not fair to single out Buckeye because the Legislature has failed to act.

Mayor Hull stated that the developers of Douglas Ranch have held back 8,800 square acres of land because they do not know where the Canamex route will be located. He added that many are ready to donate land and money and help develop a loop that will integrate with Bell Road in Surprise. Mayor Hull stated that the decision has not been forthcoming, but they are prepared to step up to the plate.

Mayor Hallman commented that he did not feel Buckeye was being singled out--we are just not doing a good job with Pinal County, East Valley or West Valley. Mayor Hallman stated that we are going to end up in an absolute transportation nightmare. He pointed out that plans are moving forward with tens of thousands of rooftops and could end up with another Anthem. He was concerned that this will leave future generations with a huge mess.

Supervisor Wilson moved to approve the MAG 208 Water Quality Management Plan Amendment for the Town of Buckeye Trillium West Wastewater Treatment Facility. Mayor Thomas seconded, and the motion passed, with Chair Hawker and Mayor Hallman voting no.

6. Grand Avenue Major Investment Study - Phase II

Trent Kelso, HDR, provided a report on the Grand Avenue Major Investment Study - Phase II, for improvements along Grand Avenue between Loop 101 and McDowell Road. Mr. Kelso reviewed the study process that included public and agency involvement, evaluating environmental and socioeconomic conditions, evaluating existing, programmed, and planned facilities, identifying issues and needs, evaluating alternatives and analyses, and recommending improvements.

Mr. Kelso stated that funding for Grand Avenue improvements is programmed for \$151.7 million in the Regional Transportation Plan—in Phase 1 for \$31.1 million, Phase 2 for \$21 million, and Phase 4 for \$99.6 million. Mr. Kelso stated that improvements were recommended in four categories—grade separations, intersection improvements, access management, and community mitigation.

Mr. Kelso stated that the grade separation improvements include Bethany Home Road under Grand Avenue, 19th Avenue over McDowell Road and Grand Avenue, Grand Avenue beneath 35th Avenue/Indian School Road, for a total estimated cost in 2005 dollars \$89.2 million in Phase 4.

Mr. Kelso stated that intersection improvements at Grand Avenue/Peoria Avenue and Grand Avenue/83rd Avenue, Grand Avenue/31st Avenue/Osborn Road, and dual left turn lanes at 19th Avenue and at Myrtle Avenue were recommended at an estimated cost of \$15 million in 2005 dollars.

Mr. Kelso stated that the study also examined access management and recommended improvements that included closing 18 median crossovers, reconfiguring 10 minor intersections to right-in/right-out, removing 91 unused driveways, constructing nine right-turn only and auxiliary lanes, potentially constructing frontage roads, purchasing groups of parcels for access reconfiguration. Mr. Kelso advised that construction of the nine right-turn only and auxiliary lanes will require substantial right-of-way, including approximately 30 total takes along the corridor.

Mr. Kelso stated that community mitigation was considered. Recommended improvements include landscape and screen walls on the non-railroad side in four-foot and ten-foot buffers from SR 101L to 43rd Avenue, sidewalks on the non-railroad side for the entire corridor, median landscaping for the entire corridor, landscape and screen walls or concrete barriers on the railroad side for the entire corridor, new street lighting on both sides for the entire corridor, utility undergrounding at specific locations, and improved intersection aesthetics at select intersections. Mr. Kelso noted that the total cost for access management and community mitigation is estimated at \$47.5 million in 2005 dollars. Chair Hawker thanked Mr. Kelso for his report and asked members if they had questions.

Vice Chair Thomas asked if improving the flow of rail at grade separations was considered. Mr. Kelso replied that the study took into account the Burlington Northern Santa Fe Railroad's future plans and accommodated that at grade separations. Mayor Thomas stated that he thought that it was a loss that the elevated separation at Grand and Thomas was at Grand so rail traffic continues to be impacted. He said that this applies not only for rail, but also for safety concerns, such as emergency vehicles. Vice Chair Thomas stated that this will continue to be impacted unless it is looked at in the gestalt, not just what is most convenient for cars. He stated that the problems for Grand Avenue were solved, but not for the other cross streets. Vice Chair Thomas expressed his hope that with this opportunity, consideration of rail would be a part of the solution.

Mayor Shafer asked if Surprise had been looked at in the study. Roger Herzog, MAG Senior Project Manager, stated that the Northwest Grand Avenue Corridor Study that addressed a range of issues in Surprise, was completed in 2003. He said that in the ADOT Life Cycle Program is a project that includes widening Grand Avenue from Loop 101 to Loop 303 to six lanes, in addition to approximately \$80 million for improvements in that section. Mr. Herzog stated that the Northwest Grand Avenue Study identifies options and ADOT and MAG will define those in detail to include in the Life Cycle Program. He added that there will be a meeting on March 7 at MAG to discuss the options. Mayor Shafer stated that an overpass is needed. She commented that she felt taxes are being collected and nothing is being done for the residents of Surprise. Mayor Shafer added that she thought the meeting should be held in the lobby area of the second floor so the public could come and talk about their frustrations. Mr. Herzog stated that ADOT will hold public meetings on the Design Concept Report process. He commented that it will be an extensive public participation process.

Chair Hawker asked if the cost would be constrained by Proposition 400 funds, with the exception of the bicycle bridges. Mr. Kelso replied that was correct.

Chair Hawker recognized public comment from Peggy Rubach, who stated that as a resident of Phoenix, she frequently travels on the Grand Avenue corridor and has great interest in bicycle and pedestrian. She said that at the MAG Pedestrian/Bicycle Working Group meeting, members discussed the implications of the study. Ms. Rubach stated that overpasses are very expensive and the working groups have not had adequate time to discuss whether underpasses might be the solution for bicyclists and pedestrians. She added that six-foot sidewalks proposed for dual use do not meet today's standards, even for pedestrian use alone. Ms. Rubach requested that the Regional Council pass the recommendations with a caveat that with additional work, if changes are needed, they could be brought back through the MAG process. Chair Hawker thanked Ms. Rubach for her comments.

Chair Hawker recognized public comment from Mr. Crowley, who stated that the consultant was told two to three years ago that bicycle accommodations were needed, but he did not hear this then and does not hear it now. He commented that with the grade separations and improvements to Grand Avenue, bus service is restricted to limited. Mr. Crowley stated that walking the half mile at 35th Avenue and Indian School to connect bus routes is dangerous for pedestrians and bus passengers—recently a woman was sexually assaulted at the bus stop. He always said that he always suggested having tunnels, not more costly bridges. Mr. Crowley stated that \$7.3 million will be spent at Osborn Road, but where are the bike facilities? At 27th Avenue, how do you accommodate bus ridership? Mr. Crowley stated that a six-foot sidewalk is not up to the standard for pedestrians, let alone bicycle and pedestrians together. He said that he did not need leaders wasting money, but needs them to consider bus riders. Mr. Crowley wondered why the consultant could not get it right in three years of study. Mr. Crowley stated that we need tunnels, not bridges, because tunnels are one-third the cost of bridges. A tunnel costs \$800,000 and a bridge costs \$3.5 million. Chair Hawker thanked Mr. Crowley for his comments.

Chair Hawker recognized public comment from Ms. Barker, who stated that she thought that Grand Avenue was one of the most important roads in the MAG Plan. She said that traveling on a diagonal is faster. Ms. Barker urged looking at Grand Avenue multimodally. She added that part of it has already been ruined for this purpose. Ms. Barker stated that she missed taking the bus to Sun City. She acknowledged that Grand Avenue is difficult for the disabled, but that could change with innovation.

With all of our issues, we need to be innovative, and Grand Avenue is key. Chair Hawker thanked Ms. Barker for her comments.

Mayor Waterman asked if Loop 303 to Loop 101 would be in Phase 3 or would it be a separate project with different sources of funding. Mr. Herzog replied that the Loop 303 to Loop 101 segment was included in the Northwest Grand Avenue Corridor Study that was completed in January 2003. He said that funding for this segment was included in the RTP that was adopted in 2003. Mr. Herzog stated that the study identified potential improvements, including widening, in the Life Cycle program. In addition, there is \$80 million in funding for other improvements in the program for this segment. Mr. Herzog replied that the projects and funding are in place to proceed with detailed design work. Based on the meetings with ADOT, detailed design work could proceed within one year.

Supervisor Wilson moved to approve the proposed package of projects on Grand Avenue between SR 101L and McDowell Road for inclusion in the ADOT Freeway/Highway Life Cycle Program. Mayor Thomas seconded, and the motion passed, with Mayor Shafer voting no.

7. Discussion of the Development of the FY 2007 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough, MAG Fiscal Services Manager, reviewed the items included in the agenda packet. She said that Attachment One was the draft budget timeline and included the addition of the Budget Workshop that was held February 16, 2006, and the Intermodal Planning Group meeting scheduled for April 6, 2006.

Ms. Kimbrough stated that Attachment Two was the draft Dues and Assessments. She said the dues and assessments have not changed from last month's presentation. Ms. Kimbrough stated that the inflation factor for the estimated dues and assessments was seven percent, which is the construction inflation factor ADOT uses for the regional freeway system certification. She noted that the Executive Committee requested that other inflation factor indices be researched, and staff would report back on their findings to the Executive Committee in March.

Ms. Kimbrough stated that Attachment Three was the draft estimate of projected funding sources and uses for FY 2007. She referred to Attachment Four, "MAG Programs in Brief," which includes a summary of proposed new projects, estimated revenue and expenditures by division, a comparison of 2005 actual, 2006 budgeted, and 2007 proposed numbers. Ms. Kimbrough noted that the draft FTE number changed to reflect the approval by the Executive Committee of an additional staff member in the Fiscal Services Division.

Ms. Kimbrough stated that Attachment Five is a detailed narrative of proposed new projects for FY 2007. She noted that most of these projects are related to database collection for modeling uses. Ms. Kimbrough stated that the FY 2007 budgeted operating expenditures are estimated at \$7.7 million. The total proposed FY 2007 budget reflects a reduction of about \$4.5 million from last year because the cost for the Community Emergency Notification System has decreased and the 2005 Census Survey project is winding down.

Ms. Kimbrough stated that the Executive Committee asked if there was flexibility in the proposed budget for growth related issues if a specific project was requested. She noted that staff responded that the budget contained contingency funds that could be used for this purpose. Ms. Kimbrough explained that Phase One of the Building a Quality Regional Community was in process and Phase Two could possibly incorporate future growth work.

Ms. Kimbrough stated that in May 2004, the MAG salary compensation study was reviewed by a consultant. She stated that the Executive Committee approved an update to the study and results are anticipated in May, when the Executive Committee will review the results.

Chair Hawker thanked Ms. Kimbrough for her report. He stated that the Executive Committee requested a survey of other inflation factors because they thought a construction inflation factor might not reflect the cost to run an organization of personnel. No questions from the Council were noted.

8. Report on the Need for Increased Domestic Violence Shelter in the MAG Region

Amy St. Peter, MAG Human Services Manager, stated that there has been unmet need for domestic violence shelter beds in the region. She said that through the research done for the *Report on the Need for Increased Domestic Violence Shelter in the MAG Region*, there is now supporting data that can be used by domestic violence advocates to clearly demonstrate the current level of need and to support the case for increased funding to provide more domestic violence shelter beds. Ms. St. Peter expressed her thanks to Mayor Manross, Chair of the MAG Regional Domestic Violence Council, the Domestic Violence Council, the MAG Victim Services Subcommittee, and Arizona State University Partnership for Community Development for their work on the report. Ms. St. Peter introduced Dr. John Burk, Arizona State University Partnership for Community Development.

Dr. Burk stated that there are 325 beds in nine domestic violence shelters throughout the MAG Region. He stated that shelter operators report they turn away large numbers of victims seeking shelter due to lack of space. Dr. Burk displayed a map of the general geographic locations of the shelters, the exact locations withheld due to concerns for security.

Dr. Burk stated that research for the report was conducted in a statistically reliable way, determine how many domestic violence victims in the MAG Region are turned away from shelters in a typical month due to lack of bed space. He said that surveys were conducted at the nine shelters—with callers requesting shelter and with current shelter residents. In addition data was collected through Community Information and Referral, law enforcement agency reports, DVSTOP, and domestic violence focus groups and community hearings.

Dr. Burk stated that this research showed that approximately one-half of victims seeking shelter at any given time in the MAG Region are turned away due to lack of bed space. Because the MAG Region currently has 325 beds, at least that amount of beds, for both individuals and families, are needed to meet current demand. Dr. Burk advised that as the population grows, additional beds will likely be needed. Chair Hawker thanked Dr. Burk for his report and asked if there were questions.

Councilmember Kavanagh asked if shortages of domestic violence shelter were concentrated in particular areas or spread evenly across the region. Dr. Burk replied that the issue did not seem to be neighborhood specific and shortages occurred throughout the region.

Supervisor Wilson asked the average stay at a shelter. Dr. Burk replied that the average stay is at least two and one-half days, but that was relative to overflow. Supervisor Wilson asked if there was medical attention at shelters for victims who arrive after they have been beaten. Dr. Burk stated that victims receive medical attention right away from first responders—the police or paramedics.

Mayor Thomas stated that he was involved with the New Life Shelter in the West Valley, which is expanding by 20 beds. He asked if funding for these types of shelters was obtained through self initiative or was there a central source of funding in the state. Dr. Burk replied that funding was the reason the report was brought to the MAG Regional Council to show more beds are needed and that funding is needed to support such expansion.

Mayor Manross commented that she was brand new to chairing the MAG Domestic Violence Council. She stated that it was important to hear the information, and as a body represent the region and find a solution together. Mayor Manross stated that one out of two victims seeking shelter find none, and the research showed that at a minimum, 325 more beds are needed. She commented that the 325 number is present need, and there is work to do for future needs. Mayor Manross stated that this is a complex issue, and is an issue for everyone. Mayor Manross stated that it seems appropriate to put shelters where there is greater population, job centers, and transportation options, but even if a shelter is not in your neighborhood, you need to be a participant. MAG needs to bring everyone to the table to find a solution so no one is turned away to be beaten or killed. Mayor Manross told Dr. Burk she was glad to work with him on this issue. She said that Council members could take this research back to their communities and speak with one voice on solutions. Dr. Burk noted that having all of the information and facts in one document was very helpful in this purpose. He noted that part two of the report is being planned and will focus on the economic case statement of domestic violence. Dr. Burk stated that they will be creating a survey by jurisdiction to determine the first responder and legal costs incurred as a result of domestic violence.

#### 10. Update on Phase I of the Regional Governmental Service Center

This agenda item was taken out of order.

Denise McClafferty updated the Council on the activities of the MAG Building Lease Working Group (BLWG). She noted that BLWG members include Regional Council members, Mayor Hawker, Mayor Cavanaugh, and Mayor Clarke, and Phoenix City Manager Frank Fairbanks. Ms. McClafferty stated that the BLWG and the Executive Committee have been meeting on options for MAG office space. She said that MAG could remain in the current building or could build a building in a central location where other regional agencies, such as RPTA, Valley Metro Rail and AMWUA, could be housed. Ms. McClafferty stated that the goal is to have a building that would provide appropriate security, optimal meeting room space and adequate parking.

Ms. McClafferty stated that the Executive Committee and the BLWG met on February 13th and received a report on five proposed sites for the regional office building. The sites include 1) Maricopa

County–Block #26 (west of the Forensic Science building on 7th Avenue and Jefferson); 2) Central and Van Buren; 3) McKinley and 1st Avenue; 4) Washington and 45th Street; and 5) 2nd Avenue – west of the YMCA site. Ms. McClafferty noted that the consultant, Langdon Wilson, prepared a matrix that provided details on each of the five sites and options for leasing or purchasing. She advised that the five sites were narrowed to two potential sites – Central/Van Buren and McKinley/1st Avenue, at an approximate cost of \$70 million.

Ms. McClafferty displayed maps of the potential building sites. The Central and Van Buren site is a 1.4 million square foot, mixed-use development. She indicated that construction on this site is planned to begin in the fourth quarter of 2006 with completion in the second quarter 2008. Ms. McClafferty stated that the McKinley and 1st Avenue site is proposed to be an eight-story building adjacent to a seven-story parking structure, but a build-to-suit might be negotiated. Occupancy is anticipated in the first quarter of 2009.

Ms. McClafferty then showed fly-by maps of proposed development in the downtown area around these two sites that demonstrated easy accessibility to the sites. She stated that Langdon Wilson was directed to further refine issues on these two sites, including the general building design and specific issues related to meeting room and shared common space.

Ms. McClafferty stated that staying in the current building is an option. The fourth floor will become available in 2008, and later this year, ground floor space currently occupied by Compass Bank may be available. She advised that this could accommodate MAG and RPTA, but there would not be enough space in the current building to bring in Valley Metro Rail or AMWUA.

Ms. McClafferty stated that MAG staff recently met with the Phoenix IDA attorney, regarding using the Phoenix IDA as a financing option. MAG could obtain 100 percent financing at a rate of 5 percent for 20 years, with the loan beginning in year three. Ms. McClafferty explained the lease analysis, purchase analysis and break even analysis that were at each place.

Ms. McClafferty stated that the Executive Committee and BLWG will meet on March 20th to refine the two sites. This will be presented to the boards of the partnering agencies. She stated that a decision could be presented to the Regional Council in March.

Chair Hawker thanked Ms. McClafferty for her report. He stated that we have a 20-year tax, put into five percent financing, and will have a building free and clear after 20 years. Chair Hawker stated that the City of Phoenix has been a great landlord and MAG has the option to stay in this building. He asked members for their comments on the sites.

Mayor Manross said that she thought the project was heading in the right direction.

Vice Chair Thomas stated that the sites are equally competitive as far as location and convenience.

## 9. Legislative Update

Mr. Smith stated that on May 17, 2005, as a result of Executive Committee direction, a letter was sent by the Chair to the Governor expressing MAG's interest that the diversion of HURF decrease and urging

that highway funds be kept for highways and not in DPS. Mr. Smith stated that the League and the metropolitan Chamber expressed similar statements.

Mr. Smith stated that there are at least five bills taking general funds and putting them into transportation projects. He said that some bills designate the funds generally to transportation, and other bills earmark funds for specific transportation projects. Mr. Smith stated that in negotiations during HB 2456, there was a memorandum from the Arizona Legislative Council that said any project, regardless of funding source, would need to go through the planning process at MAG and an air quality conformity analysis. He stated that in the Proposition 400 process, assurances were made about accelerating or delaying projects in order. Mr. Smith commented that additional funds would be appreciated, but he was uncertain that earmarking is the way to go because it is counter to the established process and what the public was told.

Matt Clark, MAG Senior Policy Planner, stated that several eminent domain and takings bills were being monitored. He pointed out two items of interest—SCR 1018 and HCR 2031. Mr. Clark stated that Mayor Gordon and Mayor Hallman were quoted in this week's Arizona Republic on how devastating these bills could be to cities. He added that it was recently brought to his attention that an effort is underway to bring interested parties together on two eminent domain vehicles—one that will go to the Governor, and one that will go to voters. Mr. Clark stated that he would keep the Council informed.

Vice Chair Thomas asked if SB 1504 had gone through the MAG modeling or planning processes. Mr. Smith replied that none of the acceleration bills have gone through MAG. Vice Chair Thomas said that he thought the I-10 widening was part of Proposition 400 and had been modeled. Mr. Smith explained that the challenge of moving a project in the plan forward is passing a modeling year in the conformity analysis. He said that the issue with the legislative proposals to accelerate projects is those bills would not be in effect until after the close of the legislative session. The close of the session would take place after the conformity analysis process had begun. Mr. Smith stated that if MAG received a large amount of money, the TPC would need to decide if it wants to go forward and then would need to amend the TIP and Plan. Vice Chair Thomas stated that he was not adverse to widening I-17, but he was concerned that the West Valley waited patiently for projects in the original 1985 plan—Loop 303, Loop 202, Grand Avenue, and the deleted Paradise Parkway—and now because Anthem is there, we need to curry favor and have a special bill. Vice Chair Thomas that this obligates the State Legislature for the next five years. Mr. Smith commented that one of the bills extends I-17 to Black Canyon City, which was not even in the RTP. He stated that there are a lot of worthy projects, but there is just not enough money. Mr. Smith stated that the question is how do you get more money for projects, especially the gateway routes.

Mayor Manross commented that this goes back to the parochialism of the 1980s. She said that MAG tried to find a credible way to deal with funding projects by having the TPC. Mayor Manross asked how the Regional Council could have an impact at the Legislature. Mr. Smith replied that there are a lot of unknowns on these bills. Many have gone on record requesting that the \$118 million be returned. He added that he was not sure if these bills will count against the \$118 million. Mr. Smith stated that if we get the \$118 million back, we understood everyone was in agreement that this would go back in the pot and then go through the distribution process. Mr. Smith noted that Eric Anderson would be giving a presentation on finance to House Transportation the next day.



Supervisor Wilson stated that he was doubtful the money would be given back. He added that no matter how or when the money comes, we will be short of money when the Legislature closes. Supervisor Wilson commented that if MAG receives the money, we will figure out a way to use it. Mr. Anderson stated that \$41,000 Proposition 400 funds have already been received, and the big Proposition 400 money will start flowing in March. Mr. Anderson noted that the last revenue received from Proposition 300 was up 16.3 percent. He added that this made seven months in a row that revenue was in the double digits. Year to date revenue was up 17.2 percent.

Chair Hawker noted that two comments on direction as a body had been put forward. If money is given for projects that we were going to do eventually, we would not want to say we do not want to do the project. However, the TPC would have to discuss whether the prioritization process would be broken in order to get the money. Chair Hawker stated that the second item he heard was that additional money received will need to go through the prioritization process. Mr. Smith stated that it looked like SB 1248 would put the money back into the pot to benefit all of the state.

Chair Hawker recognized public comment from Mr. Crowley, who urged indexing the gas tax. Mr. Crowley stated that the Regional Council needs to convince legislators, such as Senator Harper. He commented that the State knows it is one-half cent behind on its roads. Mr. Crowley stated that if that tax is indexed and divided by population, Maricopa County would get more than half. He suggested communicating this through the March 10, 2006 joint hearing. Mr. Crowley stated that he would like to carpool to the meeting at Casa Grande if anyone has room. He stated that the supergrid and roadway connectivity is not to the edge of the county. Mr. Crowley commented that cities talk about leapfrogging but they are doing it themselves, such as strip annexation to the White Tanks. Mr. Crowley stated that a one-quarter cent tax countywide is needed. Chair Hawker thanked Mr. Crowley for his comments.

#### 11. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Vice Chair Thomas stated that he would sign up for the "Helmet Your Head" Coalition. He complimented the City of Goodyear on its dust control ordinance and efforts to control ATV riding in the river bed. Mayor Shafer stated that the City of Surprise also has a dust control ordinance.

There being no further business, the Regional Council meeting adjourned at 6:55 p.m.

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Chair

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Secretary